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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,208	01/25/2002	Peter N. Glynos	PNG-101A	1722

7590 02/19/2004

KENNETH P. GLYNN, ESQ.
Glynn & Associates, P.C.
24 Mine Street
Flemington, NJ 08822

EXAMINER

RAMIREZ, RAMON O

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,208

Applicant(s)

GLYNOS, PETER N.

Examiner

RAMON O. RAMIREZ

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This is the fourth Office Action corresponding to amendment filed Dec 19, 2003. Claims 40-60 are active. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

Claim 51 is objected to because of the following informalities: in line 4, "two said" apparently should be - - two of said - -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 42-45, and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 42-44 depend from cancelled claims 21 and 22. Claim 49 is not understood; apparently something is missing from the claim.

Claim Rejections - 35 USC § 102

Claims 41, 42, 44, 45, 51, 52, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers.

The patent to Myers shows a flexible cover to protect items from weather elements comprising a sheet of flexible material and anchors (20) to be filled with water to anchor

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the cover. The sheet is defined by four edges, and edges opposite each other contain a plurality of anchors, which are separated and apart from each other.

Claims 41, 42, 43, 44 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoare.

The patent to Hoare shows another flexible cover comprising anchors (14, 16) separated and apart from each other, filled with water to anchor the cover. Both the cover and the anchors are made from the same material (plastic); the cover defines a central area where anchors (16) are found. The anchors can be attached by adhesive.

Claim Rejections - 35 USC § 103

Claims 45, 47, 48, 50, and 51-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoare in view of Myers.

As mentioned above, the patent to Myers shows a plurality of anchors. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Hoare with a plurality of small anchors, as shown by Myers instead of few bigger ones. This would make Hoare device more versatile since it would permit replacement of a single smaller anchors in case of a rupture instead of a large one. Hoare shows the use of central anchors, the number of these anchors or arrangement is seen as an obvious matter of engineering choice.

With respect to the combination of teachings of Hoare and Myers, Applicant argues that the references are not related; the examiner responds that the references are related. Both references are drawn to protect items from the weather using a flexible cover secured by anchors to be filled with water. Not only are the references used by the same purpose but the way of achieving said purpose are similar.

With respect to the combination of Myers and Hoare, the arguments are moot since this rejection is not longer present.

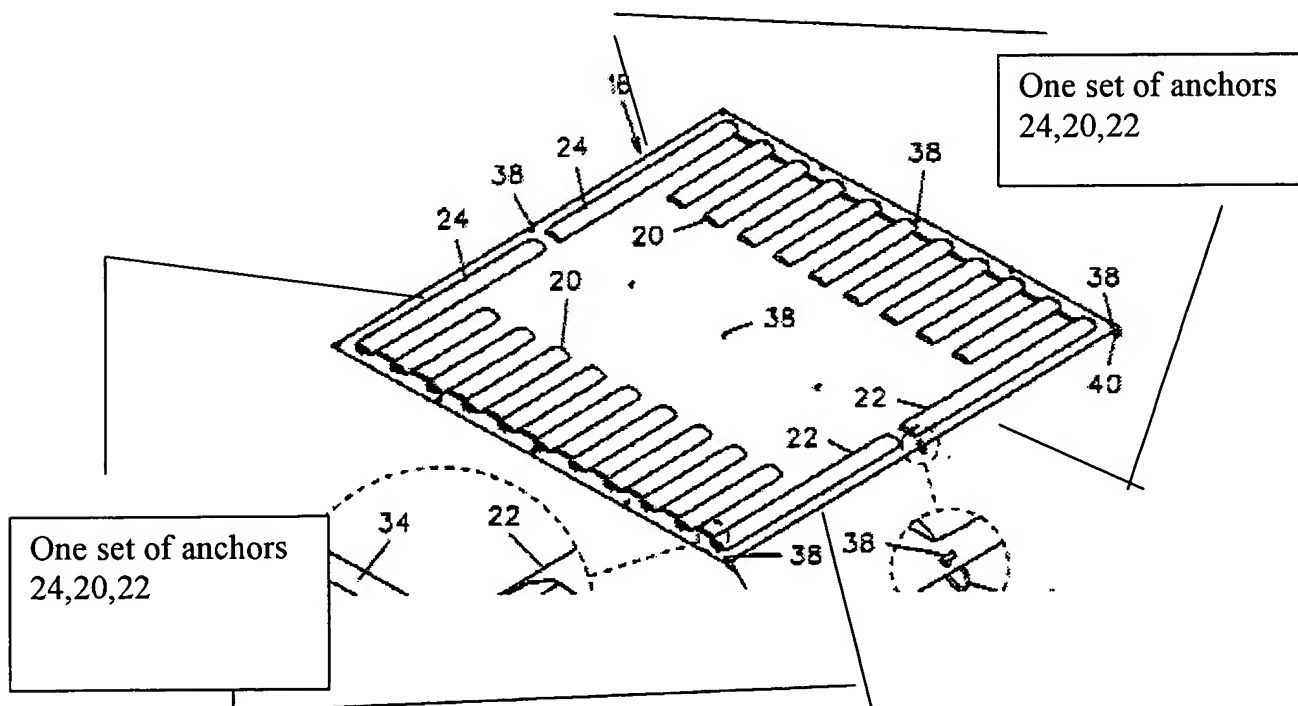
Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

Applicant's arguments filed Dec 19, 2003 have been fully considered but they are not persuasive. With respect to Myers' patent, Applicant is reading claim 41 narrower than it really is. The clause "separated and apart" is fully met by Myers. Fig 2 of the patent shows a plurality of first compartment anchors 20, 22, 24, separated and apart from a second plurality of anchors 20, 22, 24.



With respect to the patent to Hoare, Applicant argues that Hoare does not show the anchors attached to the cover. However, on page 3, lines 7-8, Hoare states that the tubing (anchors) 'may be secured in place using adhesive'. This clearly meets the attached clause of the claim.

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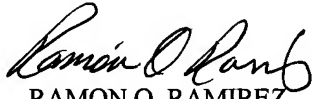
Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner **Ramírez** at telephone number (703) 308-0748.

The examiner can be normally reached on Monday-Thursday and alternate Fridays.

The fax numbers for this Group are (703) 872-9306 (official papers), and (703) 308-3519 (unofficial papers).

Any inquiry of general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

R.O. RAMIREZ
February 18, 2004


RAMON O. RAMIREZ
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600
ART UNIT 3632